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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,707

11/17/2003

Charles F. Fisler

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(8364-90589)

2341

7590

10/04/2006

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EXAMINER

A, MINH D

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,707

Applicant(s)

FISLER, CHARLES F.

Examiner

Minh D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14,23,24,26,30-39 and 49-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58-60 is/are allowed.
- 6) ☒ Claim(s) 1-14,23,24,26,30-36 and 49-57 is/are rejected.
- 7) ☐ Claim(s) 37-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's communication filed on 7/19/06 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejection of record, and those rejection are accordingly withdrawn. In view of a further consideration, however, a new rejection is set forth below. This action is not made final.

Specification

2. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: "an energy input port; a current limiter coupled to the input port and strobe circuit coupled to the current limiter with the limiter responsive to a strobe circuit flash condition to reduce a post-flash peak current draw of the strobe circuit below a corresponding peak current value of the strobe circuit in the absence of the current limiter"

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 1, 2, 10-11 are, the phrase " an energy input port; a current limiter coupled to the input port and strobe circuit coupled to the current limiter with the limiter responsive to a strobe circuit flash condition to reduce a post-flash peak current draw of the strobe circuit below a corresponding peak current value of the strobe circuit in the absence of the current limiter" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Since applicant does not disclose or unclearly disclose all these limitations in specification and figures. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 and 23-24, 26, 30-36 and 49-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Ichimasa et al (US 6,828,803).

Regarding claims 1-14 and 30, Ichima discloses alarm system comprising: a visual output element (115-119); a source of energy to illuminate the element; a control circuit (103a) coupled to the source of energy(120-122); and a current limiting circuit, coupled to the control circuit, to limit maximum current draw and circuitry which includes processor(103a) to adjust the current limiting circuit in

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response to setting one of a plurality of illumination parameters. See figures 1, 3,11, col.3, lines 20-67 to col.12, lines 1-45-67 to col.14, lines 1-67.

Regarding claim 23, figure 1, Ichima discloses plurality of visual output devices (115-119), each of the devices (115-119) includes a microprocessor (103a) which is one of, mechanically movable or electrically settable, to limit a peak current draw of the respective device', and a switch-able source of electrical energy(120-122) to power the devices. See figures 1, 3,11, col.3, lines 20-67 to col..12, lines 1-45-67 to col.14, lines 1-67.

Regarding claims 24-25, Ichima discloses the output devices (115-119) ,each includes a triggerable light emitting output device and the control element alters a light output parameter in accordance with the limited peak current draw. See figures 1-14.

Regarding claim 31, Ichima discloses a circuitry (103a) to adjust the current limiting circui in response to selecting one of a plurality of illumination parameters. See figures 1-10.

Regarding claim 33, Ichima discloses both the current limiting circuit (103b) and the control circuit are adjusted together in response to selecting one of a plurality of output illumination parameters. See figures 1-7.

Regarding claim 34, Ichima discloses the circuitry to adjust including at least one of a manually manipulatable element. See figures 1-10.

Regarding claim 35, Ichima discloses the circuitry to adjust including at least one of a manually manipulatable element. See figures 1-10.

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Regarding claim 36, Ichima discloses the maximum current draw is limited subsequent to the element being illuminated to a value associated with a selected illumination parameter. See figures 1-11.

Regarding claim 49, Ichima discloses that, the manually manipulatable element, is one of linearly movable. See figures 1-7.

Regarding claim 50, Ichima discloses a manually manipulatable element is coupled to the current limiting circuit to limit current draw in accordance therewith. See figures 1-7.

Regarding claim 51, Ichima discloses discloses a source of energy comprises a capacitor. See figure 1-2.

Regarding claim 52, Ichimae discloses the housing carries the visual output element, the capacitor, the control circuit and the current limiting circuit. See figures 1-2.

Regarding claim 53, chima discloses the housing carries a manually manipulatable control member to select an illumination parameter. See figures 1-7.

Regarding 54, Ichima discloses where the control member comprises one of linearly movable. See figures 1-7.

Regarding claim 55, Ichima discloses the control member comprises a switch. See figures 2-10.

Regarding claims 56-57, Ichima discloses the control element in each of devices limits a peak current draw. See figures 1-7.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 26, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Ichimasa et al (US 6,828,803).

Regarding claims 9,26, 32, figures 1, 11, Ichima discloses the light emitting output device (115-119) and a current limiting circuit limits a peak charging current.

However, Ichima does not teach the light emitting output device comprises a flashable gas filled member or a gas filled member.

It would have been an obvious matter of design choice to employ Ichima in any desired device in order to maximize the usage of his invention, since applicant does not disclose that, all of these limitations can solve any stated problem and for any particular purpose. Therefore, it appears that the invention would not provide any improvement but merely apply the invention in different presentation.

Allowable Subject Matter

8. Claims 37-39 and 58-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Claims 1-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art does not teach that, a current sensor coupled to a comparator, the comparator establishing at least one peak current value recited in dependent claim 37.

Prior art does not teach that, energy input port; a current limiter coupled to the input port, a strobe circuit coupled to the current limiter with the current limiter responsive to a strobe circuit flash condition to reduce a post-flash peak current draw of the strobe circuit below a corresponding peak current value of the strobe circuit in the absence of the current limiter combination with all limitations recited in independent claims 1, 2, 10 and 11.

Prior art does not teach that, each of the output devices exhibits an initial peak current draw when the source switches to an energy supplying state followed by a plurality of spaced apart, repetitive lesser peak current draws, at least the lesser peak current draws are in accordance with a current peak limiting setting of the control element and a different illumination parameter setting which determines an optical output value, from a group thereof recited in dependent claim 58.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Has et al (US 6,242,872) and Ha et al. (US 6,049,446) are cited to show alarm system.

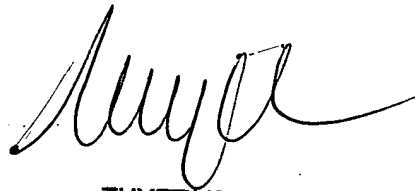
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Tuyet Vo', with a stylized, cursive script.

**TUYET VO
PRIMARY EXAMINER**

Examiner

Minh A

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9/25/06